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BILL NO. R-96-12-17

RESOLUTION NO. R-89-96

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA, APPROVING AN
INTERLOCAL COOPERATION AGREEMENT BETWEEN
THE CITY OF FORT WAYNE, BY AND THROUGH ITS
BOARD OF PUBLIC WORKS AND THE MAYOR, AND
THE ALLEN COUNTY REDEVELOPMENT COMMISSION
FOR THE FINANCING OF CERTAIN INFRASTRUCTURE
IMPROVEMENTS INSIDE THE CITY OF FORT WAYNE.**

WHEREAS, Indiana Code 36-1-7 provides that for the City of Fort Wayne to enter into an Interlocal Cooperation Agreement, the fiscal body of the municipality shall ratify said Agreement; and

WHEREAS, the Allen County Redevelopment Commission is willing to finance and construct certain public water supply and sanitary sewer improvements to the respective systems owned and operated by City Utilities; and

WHEREAS, said improvements, being more specifically identified in the exhibits to the subject Interlocal Cooperation Agreement, are located within the City of Fort Wayne; and

WHEREAS, said infrastructure improvements would enhance the economic development potential of the southwestern area of Fort Wayne and Allen County by providing additional utility capacity; and

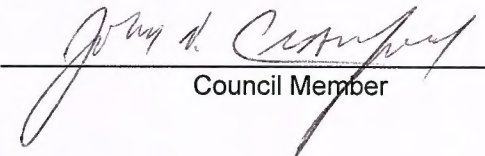
WHEREAS, the Fort Wayne Board of Public Works and the Mayor have entered into an Interlocal Cooperation Agreement with the Allen County Redevelopment Commission for the financing and construction of certain infrastructure improvements and the Board and the Mayor further recommend that the Fort Wayne Common Council ratify and approve said Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

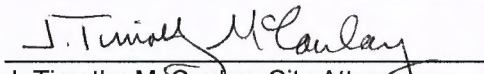
SECTION 1. The Common Council of the City of Fort Wayne, Indiana, hereby

1 ratifies and approves the Interlocal Cooperation Agreement between the City of Fort Wayne,
2 by and through its Board of Public Works and its Mayor, and the Allen County
3 Redevelopment Commission for the financing and construction of certain infrastructure
4 improvements. Said Interlocal Cooperation Agreement, along with its exhibits, is attached
hereto and made a part hereof.

5 **SECTION 2.** That this Resolution shall remain in full force and effect from and after
6 its passage and any and all necessary approval by the Mayor.

7 
8 Council Member

9 APPROVED AS TO FORM AND LEGALITY

10 
11 J. Timothy McCauley, City Attorney

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement is made and entered into by and between the Allen County Redevelopment Commission (the "ACRC") and Fort Wayne City Utilities, acting by and through the City of Fort Wayne, Board of Public Works (the "Utilities") made this 11 day of DECEMBER, 1996.

WITNESSETH:

WHEREAS, the ACRC constitutes a political subdivision and has certain statutory authority to provide services in accordance with its authorizing statutes to unincorporated Allen County, and

WHEREAS, the Utilities is a function of the City of Fort Wayne operating through its Board of Public Works, and constitutes a political subdivision, and

WHEREAS, the Utilities currently provides utility services to the General Motors Tax Incremental Financing District (the "GM TIF") which district was created by and lies within the ACRC area of authority, and

WHEREAS, to adequately serve said District and to provide for future development therein, it is necessary for certain infrastructure improvements to be made to the Utilities outside of the territorial jurisdiction of the ACRC, and

WHEREAS, the parties agree that said infrastructure improvements would benefit the community as a whole and would be in the best interests of the parties hereto to enter into an interlacial cooperation agreement so as to allow the ACRC to fund the improvements to the Utilities infrastructure from funds derived from the GM TIF zone.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements set forth hereinafter, the parties agree as follows:

1. The purpose of this Agreement is to provide for the financing of certain infrastructure improvements to the Utilities through the use of the ACRC funding mechanism. The scope of the improvements to be provided are generally set forth in Exhibit "A" and "B", attached hereto and made a part hereof. This Agreement shall remain in effect until said Projects are completed.

2. The ACRC shall cause to be issued a Tax Incremental Financing bond to fund the construction of the improvements set forth in Exhibit "A" and "B" (the "Projects"). The Utilities shall provide the engineering, bid documents and construction supervision for said Projects. The budgets for each of the functions shall be maintained separately by the entities providing the service or the funds.

3. If for any reason this Agreement should be terminated prior to the completion of the Projects and in any case at the completion of the Projects, all improvements shall belong to the Utilities. To the extent that title is acquired to any personal property or real property used or placed in or upon the Projects, title to same shall belong to the Utilities. Bond funds and other budgeted items with respect to the Project from either entity shall at all times remain titled to the entity.


4. The Projects shall be administered by a joint board made up of two representatives. One representative shall be appointed by the ACRC and one representative shall be appointed by the Utilities. If a disagreement arises, it shall be settled by the Judge of the Circuit Court for the 38th Judicial District.

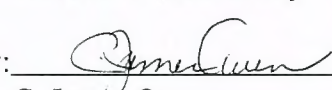
5. Nothing contained herein shall require the ACRC to contribute more funds to the Project than the proceeds of the Tax Incremental Financing bond issued in furtherance thereof. If additional funds are required to complete the Project for any reason, and the parties cannot agree as to the source of said funds, this Agreement shall automatically terminate.

6. This Agreement shall become effective upon the approval of same by the Fort Wayne City Council and the Allen County Council and recordation with the Allen County Recorder. Thereafter, the same shall be filed with the State Board of Accounts.

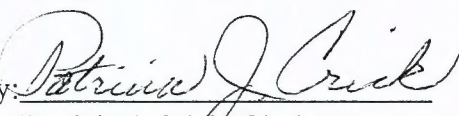
CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS

By: 
Linda Buskirk, Chairman

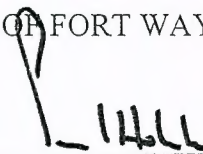
By: 
Terrance P. McCaffrey

By: 
C. James Owen


ATTEST:

By: 
Patricia J. Crick, Clerk
Board of Public Works

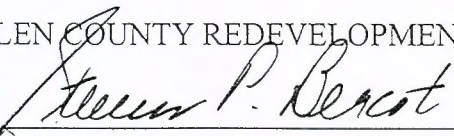
CITY OF FORT WAYNE, INDIANA

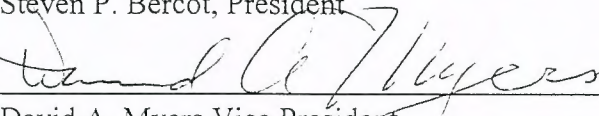
By: 
Paul Helmke, as its Mayor

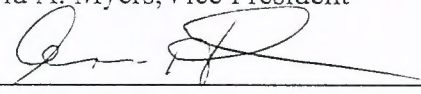
ATTEST:

By: 
Sandra E. Kennedy
City Clerk

ALLEN COUNTY REDEVELOPMENT COMMISSION

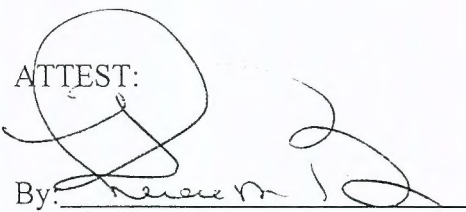
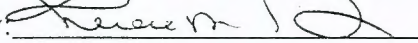
By: 
Steven P. Bercot, President

By: 
David A. Myers, Vice President

By: 
Ann H. Eckrich, Secretary

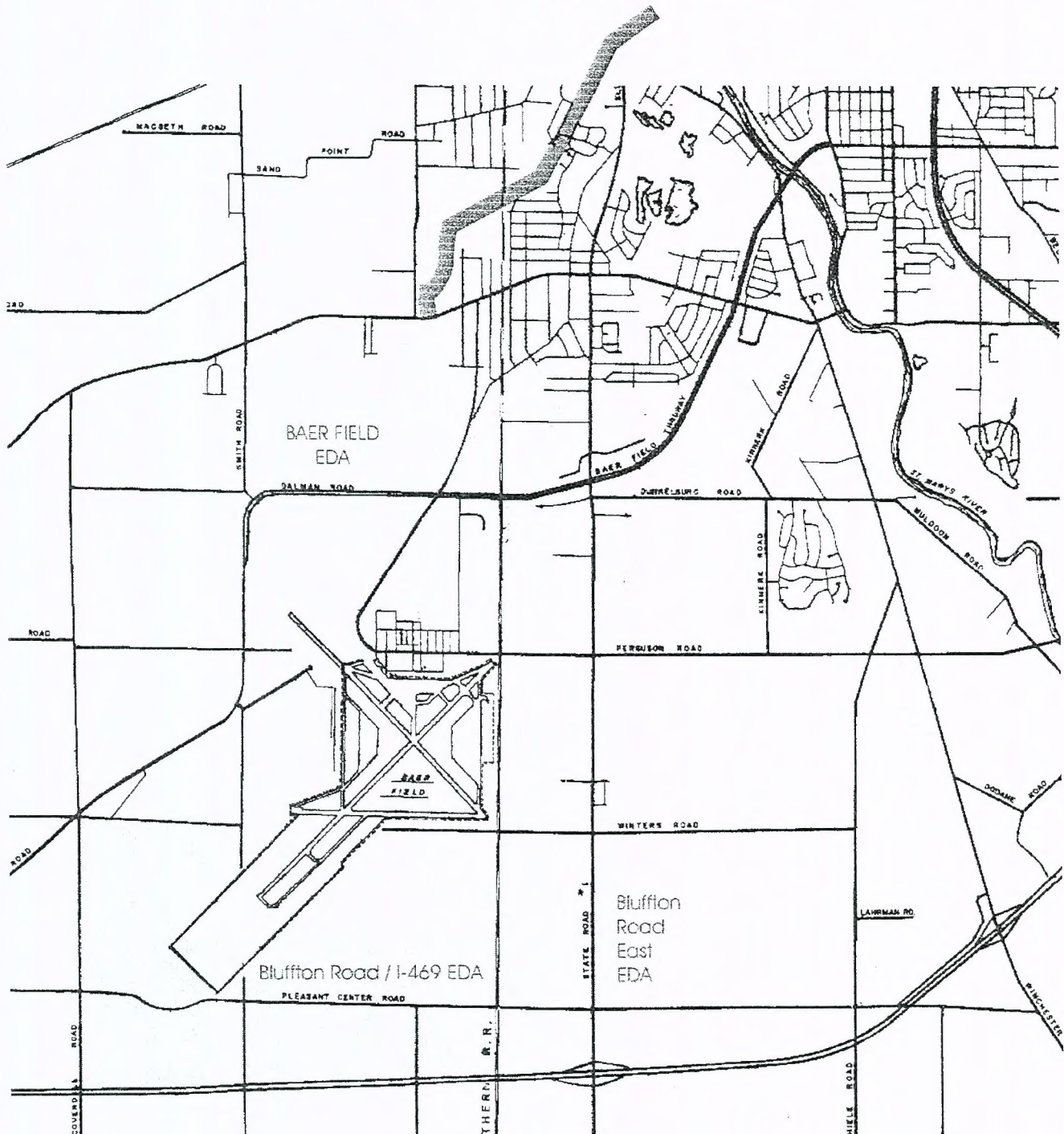
By: 
Edward L. Neufer, Member

By: 
Michael McCollum, Member

ATTEST:

By: 
Therese M. Brown, Auditor
Allen County, Indiana

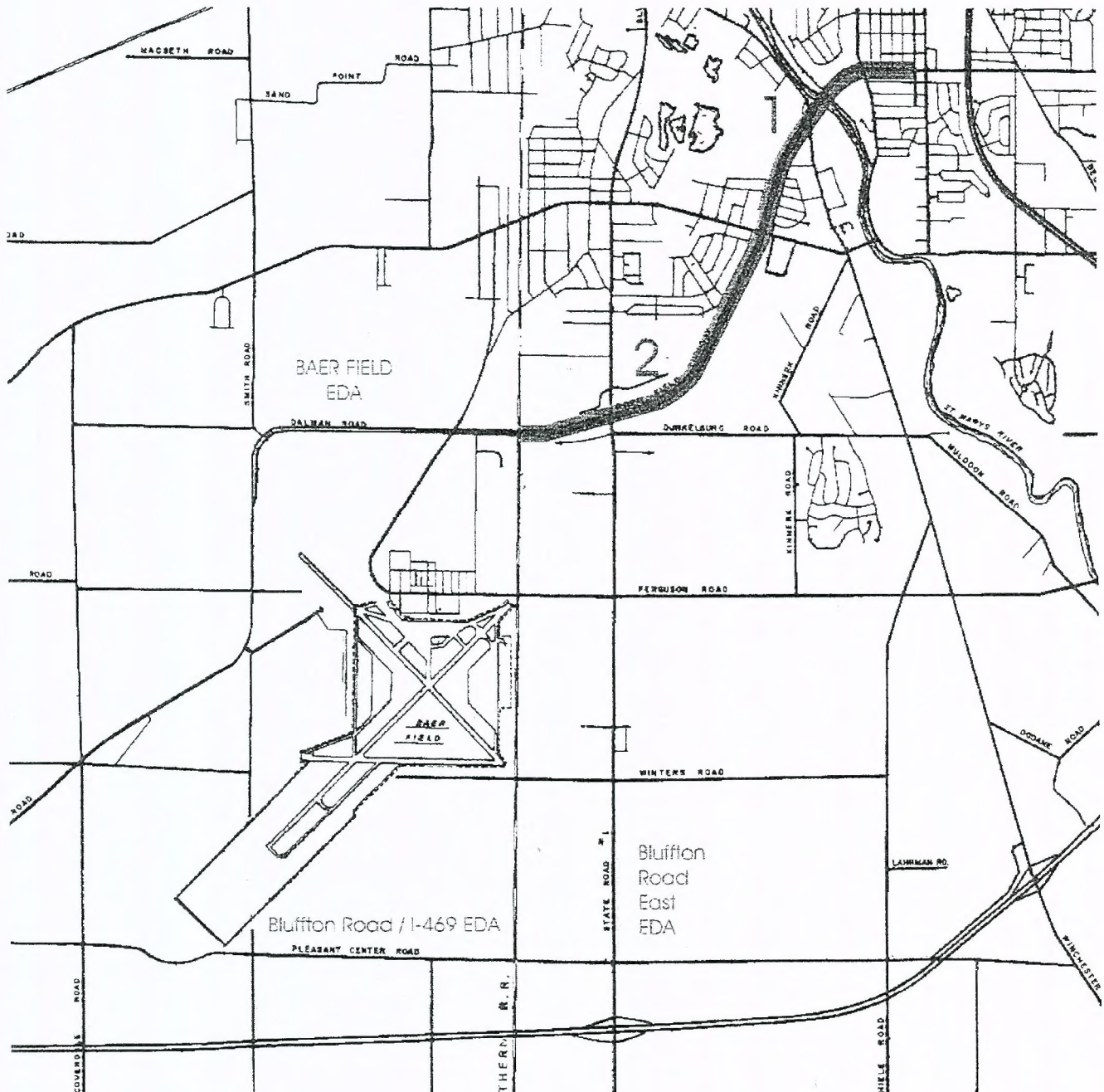
Approved as to form and legality G. William Fishing III, Esquire

SEWER IMPROVEMENTS



Proposed Sewer Lines

WATER IMPROVEMENTS



Proposed Water Lines

MEMORANDUM

To: Members of the Fort Wayne Common Council

From: John Stafford
Director of Strategic Planning

Date: December 13, 1996

Subject: Resolutions related to the financing of infrastructure in southwest Allen County

On your agenda for consideration during the December 17th are two resolutions related to the funding of sanitary sewer, water and highway improvements in the southwest portions of Fort Wayne and Allen County. These two documents arose from a meeting conducted last December involving City, County and Chamber of Commerce officials to discuss methods for providing the infrastructure necessary to support economic development activity in this portion of the community.

The *Intergovernmental Memorandum of Understanding to Fund Infrastructure Improvements in Southwest Allen County* addresses the proposed financing and construction of several sanitary sewer, water supply and highway projects deemed necessary to further economic development in the area generally surrounding the Fort Wayne International Airport. This document outlines the historical background, the specific infrastructure projects proposed, potential mechanisms for the financing of these improvements, and a series of suggested policies and objectives for each of the participating agencies. The *Memorandum* also provides for a method of communicating related future public decisions which may be by each of the participating entities that would affect the objectives of the *Memorandum*. It is proposed that the document will be entered into by the Fort Wayne Common Council, the Mayor of the City of Fort Wayne, the Board of Public Works, the Fort Wayne Redevelopment Commission, the Allen County Council, the Allen County Board of Commissioners, the Allen County Redevelopment Commission and the Fort Wayne-Allen County Airport Authority.

The second document is a Resolution ratifying an *Interlocal Cooperation Agreement* which has been entered into by the City of Fort Wayne, by and through the Mayor and the Board of Public Works with the Allen County Redevelopment Commission. Under the terms of this Agreement the Allen County Redevelopment Commission will use the proceeds of a tax incremental finance (TIF) bond associated with the General Motors Economic Development Area to finance construction of certain sanitary sewer and public water supply improvements. Upon completion of these projects the facilities will be dedicated to City Utilities for acceptance into the City sanitary sewer and public water systems respectively.

At the December 3rd meeting members of the Council were provided with notebooks contain drafts of these and several related documents. I will be available at the December 17th meeting to provide a more complete explanation of the two subject resolutions.

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE PUBLIC WORKS - JOHN STAFFORD

SYNOPSIS OF ORDINANCE APPROVES INTERLOCAL COOPERATION AGREEMENT BETWEEN
THE CITY OF FORT WAYNE AND THE ALLEN COUNTY REDEVELOPMENT COMMISSION TO
FINANCE AND CONSTRUCT CERTAIN PUBLIC WATER SUPPLY AND SANITARY SEWER
IMPROVEMENTS.

EFFECT OF PASSAGE APPROVES INTERLOCAL AGREEMENT

EFFECT OF NON-PASSAGE INTERLOCAL AGREEMENT NOT APPROVED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Read the first time in full and on motion by Crawford
and duly adopted, read the second time by title and referred to the
Committee on Finance (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, 19____, the _____ day of
_____, M., E.S.T.

DATED: 12-17-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Crawford
and duly adopted, placed on its passage. PASSED ROST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT:
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 12-17-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 89-89-96
on the 17th day of December, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

QDSchmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 18th day of December, 1996,
at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of December,
1996, at the hour of 5:30 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. R-96-12-17

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~XXXXXXXXXXXX~~ (RESOLUTION) of the Common Council of
the City of Fort Wayne, Indiana, approving an Interlocal Cooperation
Agreement between the City of Fort Wayne, by and through its Board
of Public Works, and the Mayor, and the Allen County Revelopment Commission
for the financing of certain infrastructure improvements inside the
City of Fort Wayne

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>John C. Henry</u>	_____	_____	_____
<u>Thomas C. Henry</u>	_____	_____	_____
<u>Thomas C. Henry</u>	_____	_____	_____
<u>Celeste Brown</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____
<u>John C. Henry</u>	_____	_____	_____

DATED: 12-17-96

Sandra E. Kennedy
City Clerk